



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

SEP 26 2016

REPLY TO THE ATTENTION OF

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mark Boden, Vice President
Ajax Materials Corporation
P.O. Box 7058
Troy, Michigan 48007

Re: Notice and Finding of Violation
Ajax Materials Corporation – Plant 5
8744 S. Inkster Road
Romulus, Michigan 48174

Dear Mr. Boden:

The U.S. Environmental Protection Agency is issuing the enclosed Notice and Finding of Violation (NOV/FOV) to Ajax Materials Corporation (you) under Section 113(a)(1) of the Clean Air Act, 42 U.S.C. § 7413(a)(1). We find that you have violated the Michigan State Implementation Plan at your Romulus, Michigan facility.

Section 113 of the Clean Air Act gives us several enforcement options. These options include issuing an administrative compliance order, issuing an administrative penalty order and bringing a judicial civil or criminal action.

We are offering you an opportunity to confer with us about the violations alleged in the NOV/FOV. The conference will give you an opportunity to present information on the specific findings of violation, any efforts you have taken to comply, and the steps you will take to prevent future violations. In addition, in order to make the conference more productive, we encourage you to submit to us information responsive to the NOV/FOV prior to the conference date.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The EPA contact in this matter is Cindy Schafer. You may call her at (312) 353-3018 to request a conference. You should make the request within 10 calendar days following receipt of this letter. We should hold any conference within 30 calendar days following receipt of this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Edward Nam", with a stylized flourish at the end.

Edward Nam
Acting Director
Air and Radiation Division

Enclosure: SBREFA fact sheet

cc: Tom Hess, Enforcement Unit Manager, Air Quality Division,
Michigan Department of Environmental Quality

Mina McLemore, Air District Supervisor, Michigan
Department of Environmental Quality

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:

**Ajax Materials Corporation – Plant 5
Romulus, Michigan**

Proceedings Pursuant to
the Clean Air Act,
42 U.S.C. §§ 7401 et seq.

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) **NOTICE AND FINDING OF
VIOLATION**
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) **EPA-5-16-MI-08**
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NOTICE AND FINDING OF VIOLATION

The U.S. Environmental Protection Agency finds that Ajax Materials Corporation – Plant 5 (Ajax Plant 5 or you) is violating Section 111(e) of the Clean Air Act, 42 U.S.C. § 7411(e). Specifically, Ajax Plant 5 is violating the New Source Performance Standards (NSPS) for Hot Mix Asphalt Facilities at 40 C.F.R. Part 60, Subpart I and the Michigan State Implementation Plan (SIP) as follows:

Regulatory Authority

1. Section 111(b) of the Act, 42 U.S.C. § 7411(b), requires EPA to publish a list of categories of stationary sources and, within a year after the inclusion of a category of stationary sources in the list, to publish proposed regulations establishing Federal standards of performance for new sources within the source category.

2. Section 111(f) of the Act, 42 U.S.C. § 7411(f), requires the promulgation of standards of performance for new stationary sources.

3. Section 111(e) of the Act, 42 U.S.C. § 7411(e), prohibits the operation of a new source in violation of any applicable standard of performance.

4. EPA proposed General Provisions to the New Source Performance Standards (NSPS Subpart A) on August 17, 1971. 36 Fed. Reg. 15704. EPA promulgated NSPS Subpart A on December 23, 1971. 36 Fed. Reg. 24877. The subpart has subsequently been amended. NSPS Subpart A is codified at 40 C.F.R. §§ 60.1 – 60.19.

5. NSPS Subpart A, at 40 C.F.R. § 60.1(a), provides that the provisions of 40 C.F.R. Part 60, Subpart A apply to the owner or operator of any stationary source that contains an affected facility which was constructed after the date of publication of an applicable standard.

6. NSPS Subpart A, at 40 C.F.R. § 60.11(d), requires owners and operators to, at all times and to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions.

7. EPA proposed Standards of Performance for Hot Mix Asphalt Facilities on June 11, 1973 (NSPS for Hot Mix Asphalt Facilities). 38 Fed. Reg. 15406. EPA promulgated NSPS for Hot Mix Asphalt Facilities on March 8, 1974. 39 Fed. Reg. 9308. NSPS for Hot Mix Asphalt Facilities has been subsequently amended. The subpart is codified at 40 C.F.R. §§ 60.90 – 60.93.

8. The NSPS for Hot Mix Asphalt Facilities applies to hot mix asphalt facilities which were constructed or modified after June 11, 1973. 40 C.F.R. § 60.90(b). Hot mix asphalt facilities are considered to be any facility used to manufacture hot mix asphalt by heating and drying aggregate and mixing with asphalt cements. 40 C.F.R. § 60.91(a).

9. The “affected facility” under the NSPS for Hot Mix Asphalt Facilities is considered to be each hot mix asphalt facility, which can be comprised of any combination of dryers; systems for screening, handling, storing, and weighing hot aggregate; systems for loading, transferring, and storing mineral filler systems for mixing hot mix asphalt; and the loading, transfer, and storage systems associated with emission control systems. 40 C.F.R. § 60.90(a).

10. The NSPS, at 40 C.F.R. § 60.92(a)(2), prohibits the owner and operator of an affected facility from discharging into the atmosphere any gases which exhibit 20 percent opacity, or greater as a six-minute average.

11. Effective December 26, 2007, EPA approved R 336.1912 governing emission limitations and prohibitions for miscellaneous emissions sources as part of the federally enforceable SIP for Michigan. 72 Fed. Reg. 60783.

12. R 336.1912 provides, in part, that owners or operators of a source shall operate process equipment in a manner consistent with good air pollution control practices for minimizing emissions and that owners or operators of a source shall provide notice and a written report of an abnormal condition that results in emissions of any air contaminant continuing for more than 2 hours in excess of a standard of limitation established by any applicable requirement.

13. Effective July 3, 2006, EPA approved R 336.1301 governing emissions limitations and prohibitions for particulate matter emissions as part of the federally enforceable SIP for Michigan. 71 Fed. Reg. 31093.

14. R 336.1301(b) provides, in part, that a person shall not cause or permit process equipment to discharge visible emissions greater than an opacity limit specified by an applicable federal new source performance standard.

15. Effective May 6, 1980, EPA approved R 336.1910 governing proper maintenance and operation of air-cleaning devices as part of the federally enforceable SIP for Michigan. 45 Fed. Reg. 29790.

16. R 336.1910 provides, in part, that air-cleaning devices shall be maintained and operated in a satisfactory manner and in accordance with existing rules and laws.

17. Effective July 3, 2006, EPA approved R 336.1911 governing malfunction abatement plans as part of the federally enforceable SIP for Michigan. 71 Fed. Reg. 31093.

18. R 336.1911 provides, in part, that the malfunction abatement plan shall be implemented within 180 days of department approval.

Permitting Background

19. On June 5, 2008, the Michigan Department of Environmental Quality (MDEQ) issued Permit to Install No. 310-06B to Ajax Materials Corporation for its Romulus, Michigan facility.

20. Permit to Install No. 310-06B, General Condition 7 requires Ajax Plant 5 to provide notice to MDEQ of an abnormal condition that results in emissions of any air contaminant continuing for more than two hours in excess of an applicable standard or limitation. Notice must be provided within two days of the discovery of the abnormal condition and written reports must be filed with MDEQ within 10 days after the abnormal condition has been corrected.

21. Permit to Install No. 310-06B, General Condition Item 11 requires Ajax Plant 5 to limit visible emissions from process equipment subject to a federal new source performance standard to less than the limitation specified in the federal new source performance standard.

22. Permit to Install No. 310-06B, EUHMAPLANT¹ Item 1.10 prohibits operation of the EUHMAPLANT unless the Preventative Maintenance Program specified in Appendix B of the permit is implemented and maintained.

23. Permit to Install No. 310-06B, EUHMAPLANT Item 1.24 requires that Ajax Plant 5 conduct all necessary maintenance and make all necessary attempts to keep all drum mix/burner and fabric filter dust collector components of the EUHMAPLANT maintained and operating in a satisfactory manner at all times.

24. Permit to Install No. 310-06B, Appendix B, Item 5, requires that in the event visible emissions that appear to exceed the standard allowed in General Condition Item 11 are observed at the discharge point of the stack a certified visible emissions reader verify the emission density. If no certified visible emissions reader can be on-site within 60 minutes of observing the visible emissions, operations shall be ceased immediately and the cause of the visible emissions determined and corrected prior to operating the plant again.

25. Permit to Install No. 310-06B, Appendix B, Item 8, requires that a written record shall be maintained that includes "an explanation (i.e. a description of the damage found)" for each filter bag removed from the fabric filter dust collector.

¹EUHMAPLANT is an emission unit consisting of a hot mix asphalt plant that includes aggregate conveyors and a 700 ton per hour counterflow drum dryer/mixer. Emissions from the EUHMAPLANT are controlled by a fabric filter dust collector and are vented through a stack labeled SVHMAPLANT.

Findings of Facts & Conclusions of Law

26. Ajax Plant 5 owns and operates a hot mix asphalt plant at 8744 S. Inkster Road, Romulus, MI. The hot mix asphalt plant consists of a number of pieces of equipment that generate air pollution and are subject to the provisions of the Act. The equipment includes, among other things, a 700 ton per hour hot mix asphalt counterflow drum dryer/mixer that uses a fabric filter dust collector to control emissions of particulate matter referred to as EUHMAPLANT.

27. Ajax Plant 5's EUHMAPLANT is an affected facility under NSPS Subpart A and the NSPS for Hot Mix Asphalt Facilities because it is part of a hot mix asphalt facility that commenced construction or modification after June 11, 1973.

28. Emissions from Ajax Plant 5's EUHMAPLANT are subject to the requirement to operate process equipment in a manner consistent with good air pollution control practices in the Michigan SIP at R 336.1912.

29. Emissions from Ajax Plant 5's EUHMAPLANT are subject to the opacity limit in the Michigan SIP at R 336.1301(b).

30. Emissions from Ajax Plant 5's EUHMAPLANT are subject to the requirement to maintain and operate air-cleaning devices in the Michigan SIP at R 336.1910.

31. Emissions from Ajax Plant 5's EUHMAPLANT are subject to the requirement to implement a malfunction abatement plan in the Michigan SIP at R 336.1911.

32. On November 4, 2015, at approximately 8:50 am, EPA inspectors noticed opacity exiting from a stack in the vicinity of the Detroit Metropolitan Airport. The opacity appeared likely to be in excess of 20% as a six-minute average. At approximately 9:40 am, EPA inspectors identified the source of the high opacity emissions as the hot mix asphalt plant (EUHMAPLANT) at Ajax Plant 5. By 9:51 am, EPA inspectors set up a digital opacity camera and began taking opacity measurements from the EUHMAPLANT at the Ajax Plant 5 facility. EPA inspectors took opacity measurements until 10:26 am. During this time period there were five 6-minute average opacity measurements in excess of 20% opacity. The highest 6-minute average opacity was 45.2%. The opacity continued unabated after EPA discontinued its measurements and as the inspectors left the area around 10:30 am.

33. On November 5, 2015, at approximately 1:45 pm local time, EPA inspectors drove past the Ajax Plant 5 facility and observed opacity similar to that which was observed on November 4, 2015 and which appeared likely to be greater than 20% as a six-minute average. Later that day, at approximately 2:45 pm local time, EPA inspectors returned to the Ajax Plant 5 facility to conduct an on-site inspection. When the EPA inspectors arrived, the emissions from the EUHMAPLANT stack were still of similar opacity as the EPA inspectors had observed the previous day and earlier that same day. Within minutes of arriving, however, operations at the

EUHMAPLANT stack were discontinued for the day and the inspectors were unable to take additional opacity measurements.

34. Production data submitted by Ajax Plant 5 in response to a Section 114 Information Request indicates that Ajax Plant 5 continued to operate the EUHMAPLANT on November 6, 7, 8, 9 and 11, 2015. Maintenance records indicate that 10 filter bags from the fabric filter dust collector were replaced on November 13, 2015. The stated reason for replacement of the filter bags was “routine maintenance” to trial a new filter bag design. The maintenance record indicates that the filter bags that were replaced “showed minimal leakage at [the] top snap band.” Therefore, it is not clear that this maintenance activity addressed the high opacity observed on November 4 and 5, 2015. After November 13, 2015, Ajax Plant 5 operated the EUHMAPLANT on 22 more days until the end of the 2015 paving season.

35. A maintenance record from March 2, 2016 indicates that routine maintenance was conducted on the fabric filter dust collector because it was the start of the paving season, and that 304 filter bags were replaced as part of this maintenance. The record does not include a description of any damage found on these filter bags which warranted their replacement. Records from May 17, 2014 and April 14, 2015 also indicated filter bags had been replaced but failed to note any damage to the filter bags.

36. Ajax Plant 5, in response to a Section 114 Information Request asking for copies of excess emission reports, stated that it was unable to provide copies of these reports because there have been no observed excess emissions.

37. Ajax Plant 5, in response to EPA’s Section 114 Information Request, dated February 11, 2016, asking for records of each and every visible emission observation on the EUHMAPLANT stack, stated that no such records exist as there have been no observed excess emissions.

Violations

38. On at least five occasions on November 4, 2015, Ajax Plant 5 failed to limit the opacity from the EUHMAPLANT to less than 20% as a six-minute average, in violation of the opacity limit at 40 C.F.R. § 60.92(a)(2), R 336.1301(b) of the Michigan SIP, and Permit No. 310-06B General Condition Item 11.

39. On at least November 4 and 5, 2015, Ajax Plant 5 violated R 336.1910, R 336.1911 of the Michigan SIP and Permit No. 310-06B EUHMAPLANT Item 1.24 by not maintaining and operating the EUHMAPLANT fabric filter dust collector in a satisfactory manner at all times and by not performing and recording weekly and monthly fabric filter dust collector inspections as recommended by the fabric filter dust collector manufacturer.

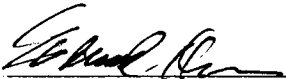
40. On November 4 and 5, 2015, Ajax Plant 5 violated Permit No. 310-06B Appendix B Item 5 by failing to (1) cease operations when no certified visible emissions readings had occurred within 60 minutes of visible emissions that appeared to be in excess of the opacity

limit, (2) determine the cause of the visible emissions before operating the plant again, and (3) correct the visible emissions prior to operating the plant again.

41. By failing to record the reason for replacing filter bags on May 17, 2014, April 14, 2015 and March 2, 2016, Ajax Plant 5 has violated Permit No. 310-06B Appendix B Item 8.

42. By failing to follow the Preventative Maintenance Program specified in Appendix B of Permit No. 310-06B, Ajax Plant 5 violated the requirement at 40 C.F.R. § 60.11(d) to maintain and operate the baghouse controlling emissions from EUHMAPLANT in a manner consistent with good air pollution control practice for minimizing emissions. By continuing to operate the EUHMAPLANT in contradiction with the Preventative Maintenance Program specified in Appendix B of the permit Ajax Plant 5 violated the requirements of R 336.1910, R 336.1911 of the Michigan SIP and Permit No. 310-06B EUHMAPLANT Item 1.10.

9/26/16
Date



Edward Nam
Acting Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent a Finding of Violation, No. EPA-5-16-MI-08, by Certified Mail, Return Receipt Requested, to:

Mark Boden, Vice President
Ajax Materials Corporation
P.O. Box 7058
Troy, MI 48007

I also certify that I sent copies of the Finding of Violation by e- mail to:

Tom Hess, Enforcement Unit Manager Air Quality Division
Michigan Department of Environmental Quality
hesst@michigan.gov

Mina McLemore, District Supervisor
Air Quality Division
Michigan Department of Environmental Quality
mclemorew@michigan.gov

On the 27 day of September 2016.



Loretta Shaffer
Program Technician
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7014 2870 0001 9577 8484

U.S. EPA Small Business Resources Information Sheet

The United States Environmental Protection Agency provides an array of resources, including workshops, training sessions, hotlines, websites and guides, to help small businesses understand and comply with federal and state environmental laws. In addition to helping small businesses understand their environmental obligations and improve compliance, these resources will also help such businesses find cost-effective ways to comply through pollution prevention techniques and innovative technologies.

EPA's Small Business Websites

Small Business Environmental Homepage - www.smallbiz-enviroweb.org

Small Business Gateway - www.epa.gov/smallbusiness

EPA's Small Business Ombudsman - www.epa.gov/sbo or 1-800-368-5888

EPA's Compliance Assistance Homepage

[www.epa.gov/compliance/assistance/
business.html](http://www.epa.gov/compliance/assistance/business.html)

This page is a gateway to industry and statute-specific environmental resources, from extensive web-based information to hotlines and compliance assistance specialists.

EPA's Compliance Assistance Centers

www.assistancecenters.net

EPA's Compliance Assistance Centers provide information targeted to industries with many small businesses. They were developed in partnership with industry, universities and other federal and state agencies.

Agriculture

www.epa.gov/agriculture/

Automotive Recycling

www.ecarcenter.org

Automotive Service and Repair

www.ccar-greenlink.org or 1-888-GRN-LINK

Chemical Manufacturing

www.chemalliance.org

Construction

www.cicacenter.org or 1-734-995-4911

Education

www.campuserc.org

Food Processing

www.fpeac.org

Healthcare

www.hercenter.org

Local Government

www.lgean.org

Metal Finishing

www.nmfrc.org

Paints and Coatings

www.paintcenter.org

Printed Wiring Board Manufacturing

www.pwbrc.org

Printing

www.pneac.org

Ports

www.portcompliance.org

U.S. Border Compliance and Import/Export Issues

www.bordercenter.org

Hotlines, Helplines and Clearinghouses

www.epa.gov/epahome/hotline.htm

EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. Some examples are:

Antimicrobial Information Hotline

info-antimicrobial@epa.gov or
1-703-308-6411

Clean Air Technology Center (CATC) Info-line

www.epa.gov/ttn/catc or 1-919-541-0800

Emergency Planning and Community Right-To-Know Act

[www.epa.gov/superfund/resources/
infocenter/epcra.htm](http://www.epa.gov/superfund/resources/infocenter/epcra.htm) or 1-800-424-9346

EPA Imported Vehicles and Engines Public Helpline

www.epa.gov/otaq/imports or
734-214-4100

National Pesticide Information Center

www.npic.orst.edu/ or 1-800-858-7378

National Response Center Hotline -

to report oil and hazardous substance spills
www.nrc.uscg.mil or 1-800-424-8802

Pollution Prevention Information Clearinghouse (PPIC)

www.epa.gov/opptintr/ppic or
1-202-566-0799

Safe Drinking Water Hotline

[www.epa.gov/safewater/hotline/index.
html](http://www.epa.gov/safewater/hotline/index.html) or 1-800-426-4791

Stratospheric Ozone Protection Hotline

www.epa.gov/ozone or 1-800-296-1996

Toxic Substances Control Act (TSCA) Hotline

tsc-hotline@epa.gov or 1-202-554-1404

Wetlands Information Helpline

www.epa.gov/owow/wetlands/wetline.html or 1-800-832-7828

State and Tribal Web-Based Resources

State Resource Locators

www.envcap.org/statetools

The Locators provide state-specific contacts, regulations and resources covering the major environmental laws.

State Small Business Environmental Assistance Programs (SBEAPs)

www.smallbiz-enviroweb.org

State SBEAPs help small businesses and assistance providers understand environmental requirements and sustainable business practices through workshops, trainings and site visits. The website is a central point for sharing resources between EPA and states.

EPA's Tribal Compliance Assistance Center

www.epa.gov/tribalcompliance/index.html

The Center provides material to Tribes on environmental stewardship and regulations that might apply to tribal government operations.

EPA's Tribal Portal

www.epa.gov/tribalportal/

The Portal helps users locate tribal-related information within EPA and other federal agencies.

EPA Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated, businesses may be eligible for penalty waivers or reductions. EPA has two such policies that may apply to small businesses:

EPA's Small Business Compliance Policy

www.epa.gov/compliance/incentives/smallbusiness/index.html

This Policy offers small businesses special incentives to come into compliance voluntarily.

EPA's Audit Policy

www.epa.gov/compliance/incentives/auditing/auditpolicy.html

The Policy provides incentives to all businesses that voluntarily discover, promptly disclose and expeditiously correct their noncompliance.

Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established a SBREFA Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System designation, number of employees or annual receipts, as defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247), or go to their website at www.sba.gov/ombudsman.

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community in response to comments made under SBREFA.

Your Duty to Comply

If you receive compliance assistance or submit a comment to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act or related provisions.